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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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|                              |   |                                     |
|------------------------------|---|-------------------------------------|
| 11 UNITED STATES OF AMERICA, | ) | No. CR 10-00525 SBA                 |
|                              | ) |                                     |
| 12 Plaintiff,                | ) | STIPULATION AND <del>PROPOSED</del> |
|                              | ) | ORDER                               |
| 13 vs.                       | ) |                                     |
|                              | ) | Date: November 12, 2010             |
| 14 RODEL MILLANES,           | ) | Time: 10:00 a.m.                    |
|                              | ) | Courtroom: 4                        |
| 15 Defendant.                | ) |                                     |
| _____                        | ) |                                     |
| 16                           |   |                                     |

17 The above-captioned matter is set on November 12, 2010 before the duty magistrate  
18 judge for a status hearing. The parties jointly request that this Court continue the matter to  
19 December 2, 2010, at 9:30 a.m. before the duty magistrate judge for a status hearing or change of  
20 plea. The parties further request that the Court exclude time under the Speedy Trial Act, 18  
21 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between the date of this Stipulation and December 2, 2010.

22 Mr. Millanes is charged in a one-count indictment with a violation of 18 U.S.C. 1038(a)  
23 – False Information and Hoaxes. He has not yet made his initial appearance before the district  
24 court. The status of the matter is that the government has provided the defense with discovery,  
25 and both the defense and the government are conducting investigation. In addition, the defense  
26 is performing legal research on issues relating to the charged offense in order to effectively

prepare this case.

The requested continuance will allow the parties time to perform investigation and will permit the defense time to complete the necessary legal research. The failure to grant such a continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The parties further stipulate and agree that the time from the date of this Stipulation to December 2, 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), on the basis that the ends of justice are served by taking such action which outweigh the best interest of the public and the defendant in a speedy trial and also under 18 U.S.C. § 3161(h)(7)(B)(iv) for effective preparation of counsel, taking into account the exercise of due diligence.

DATED: November 9, 2010

/S/  
TREVOR RUSIN  
Special Assistant United States Attorney

DATED: November 9, 2010

/S/  
COLLEEN MARTIN  
Assistant Federal Public Defender

SIGNATURE ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this e-filed document.

**ORDER**

GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, IT IS  
HEREBY ORDERED that the status date in this case, currently scheduled for November 12,  
2010, before the duty magistrate judge is VACATED and RESET to December 2, 2010, at 9:30  
a.m. for a status or change of plea before the duty magistrate judge.

IT IS FURTHER ORDERED that the time from the date of this Order to December 2,  
2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.  
§§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends  
of justice served by the granting of the continuance outweigh the best interests of the public and  
the defendant in a speedy and public trial and the failure to grant the requested continuance  
would unreasonably deny counsel the reasonable time necessary for effective preparation, taking  
into account due diligence, given the need for the parties to conduct investigation and the need  
for the defense to conduct legal research.

SO ORDERED.

DATED: November 12, 2010



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LAUREL BEELER  
United States Magistrate Judge